

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Private Aided Colleges – Appeal petition filed by Sri S.V.Krishna Reddy, Ex-Junior Assistant (Retired), SKRBR College, Narasaraopet, Guntur District against orders of dismissal from the service passed on 21-6-2007 by the Secretary & Correspondent, SKRBR College Committee, Narasaraopet, Guntur District – Hearing of the case on 29-12-2008 – Provisional decision - Show-cause notice issued – Confirmed - Orders – Issued.

HIGHER EDUCATION (CE.II-1) DEPARTMENT

G.O.Rt.No. 100

Dated: 12.2.2009.

Read the following:-

1. Procs.of the Secretary & Correspondent, SKRBR College Committee, Narasaraopet, Rc.No.1/2006, dated 21-6-2007.
2. Appeal Petition filed by Sri Challa Srinivasa Reddy, Advocate, Vijayanagar Colony, Hyderabad on 3-8-2007.
3. From the Hon'ble High Court of A.P., Hyderabad, orders dated 19-8-2008 in W.P.No.14101 of 2008.
4. Notice No.10303/CEII-1/2007-6, dated 5-12-2008.
5. From the Secretary & Correspondent, SKRBR College Committee Narasaraopet, Fax Message dated 10-12-2008.
6. Notice No.10303/CEII-1/2007-7 & 8, dated 10-12-2008.& 19-12-2008.
7. From the Secretary & Correspondent, SKRBR College Committee, Narasaraopet, dated 29-12-2008.
8. Govt.Memo.No.10303/CE.II-1/2007-10, dated 5-1-2009.
9. From Sri S.V.Krishna Reddy, Jr.Asst. (Retired), SKRBR College, Narasaraopet, Guntur Dist., explanation dated 26-1-2009.

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ORDER:

It was brought to the notice of the management of SKRBR College, Narasaraopet that Sri S.V.Krishna Reddy Ex-Junior Assistant-cum-Examination clerk SKRBR College, Narasaraopet, rendered necessary assistance to some of the college students to write Degree Public Examinations with books and guides in his house in Peddacheruvu, Narasaraopet town in Acharya Nagarjuna University Degree Public Examinations March, 2006, commenced on 2-3-2006. On the morning of 8-3-2006 having known about this malpractice T.V.9 Channal Reporter & Cameraman arrived at the residence of Sri S.V.Krishna Reddy and were photographing the scene of unfair activity. Sri S.V.Krishna Reddy and his son Sri Manohar Reddy noticing this rebelled against the media people and forcibly snatched away their digital cameras. Immediately, the reporters brought the matter to the notice of the Station House Officer, Narasaraopet Town Police Station and also the Principal of SKRBR College, Narasaraopet besides lodging a criminal complaint in Town Police Station, Narasaraopet on 8-3-2006.

2. The Station House Officer, Town Police Station, Narasaraopet registered the case in Crime No.60/2006,dated 8-3-2006 against Sri S.V. Krishna Reddy and others U/s. 384, 352 and 201 IPC and U/s. 8 of Public Examinations Act, 1987, Sri S.V. Krishna Reddy was in Judicial remand for over 48 hours and later released on bail. The Station House Officer in his letter dated 2-6-2007 informed that the case is under investigation on the basis of report of T.V.9 Channel. The Secretary & Correspondent, vide his Procs. dated 8-3-2006, placed the A.O., under suspension with immediate effect. The suspension period was

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extended up to six months by the Regional Joint Director of Collegiate Education, Guntur. Further the Director of Collegiate Education, Hyderabad in his Proc. Rc.No.635/Admn.VI/2/2006, dated 15-9-2006 extended the period of suspension beyond six months until further orders or finalization of court case which ever is earlier. The Secretary & Correspondent, SKRBR College Committee, Narasaraopet, issued a charge memo., dated 28-4-2006 framing three articles of charges under Rule 20 of the A.P.C.S. (CC&A) Rules, 1991 read with Section 87 of A.P. Education Act, 1982 and served upon the delinquent employee for which he filed his explanation dated 18-5-2006.

3. The Management of SKRBR College Committee, appointed Sri N.Koti Reddy, the then Vice-President of SKRBR College Committee, Narasaraopet as an Enquiry Officer by an order dated 20-8-2006 for detailed enquiry into the matter and to submit a report. The Enquiry Officer submitted his report on 9-2-2007.

4. As per the report the entire information on record established that Sri S.V.Krishna Reddy has willfully for a pecuniary benefit indulged in unfair and illegal activity in Acharya Nagarjuna University Degree Public Examinations 2006 cheating the students and violated Rule 14 of A.P.Civil Services (CC&A) Rules, 1991 and Section 4 of A.P. Public Examination Act, 1987 and became liable for penal action U/s. 79 of A.P. Education Act, 1982 read with Rule 9 (x) of A.P. Civil Services (CC&A) Rules, 1991.

5. On due consideration of the enquiry report, the governing body of the College Committee which met on 15-2-2007 has unanimously resolved to dismiss the delinquent employee Sri S.V.Krishna Reddy from service, since his unfair dealing and misbehavior not only spoiled the future of 41 Degree students, who were debarred for three years by University authorities, but also caused damage to the age long earned good reputation of the College. Accordingly, a show cause notice dated 26-2-2007 was issued to Sri S.V.Krishna Reddy, as to why the proposed punishment should not be imposed on him for the allegations leveled against him. Sri S.V.Krishna Reddy submitted his explanation dated 18-5-2006 and 6-3-2007 denying the allegations leveled against him but he has not furnished detailed and satisfactory reasons in support of his denial. In print media (i.e.) daily news papers (1) Andhra Bhoomi (2) Andhra Jyothi (3) Andhra Prabha (4) Vaartha (5) Prajasakti and (6) Eenadu right from 9-3-2006 to 16-3-2006 adverse news vividly narrating the misbehavior and misuse of official position by Sri S.V. Krishna Reddy with Photographs appeared. However, he has not chosen to give any rejoinder.

6. Before finalization of the disciplinary proceedings, Sri S.V.Krishna Reddy, attained the age of superannuation i.e., 58 years on 28-2-2007. As such, he was permitted to retire from service on 28-2-2007, subject to finalization of disciplinary proceedings and pending criminal case, vide college proceedings dated 24-2-2007.

7. The Regional Joint Director of Collegiate Education, Guntur and the competent authority has accorded permission authorizing the Secretary & Correspondent SKRBR College Committee, Narasaraopet to take disciplinary action U/s. 79 (1) of A.P. Education Act, 1982, vide his Proceedings Rc.No.637/B2/2006, dated 11-6-2007.

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8. Taking into consideration of entire case records, the Secretary & Correspondent, SKRBR College Committee, Narasaraopet, Guntur District vide his Proceedings dated 21-6-2007, issued orders dismissing Sri S.V.Krishna Reddy, Ex-Junior Assistant-Cum-Examination clerk (i.e.) member of Non-teaching staff SKRBR College, Narasaraopet U/s. 79 (1) of A.P. Education Act, 1982.

9. Aggrieved by the above orders, the appellant Sri S.V.Krishna Reddy, retired Junior Assistant has filed an appeal vide reference second read above.

10. While the matter is pending, the appellant filed W.P.No.14101 of 2008 in the Hon'ble High Court of A.P., Hyderabad seeking directions to the respondents to submit pension papers in view of retirement as a Junior Assistant on 28-2-2007 and to pay the pensionary benefits to the petitioner increment, scales with all consequential benefits.

11. The Hon'ble High Court in its order dated 9-8-2008 in W.P.No.14101 of 2008 while dismissing the W.P. among other things held that:-

"The question of processing the pension papers of an employee on retirement would arise, if only his retirement is not preceded or succeeded by any orders of punishment. In the instant case, the fourth respondent passed an order, dated 21-6-2007, dismissing the petitioner from service. A mention is made to the effect that the petitioner was permitted to retire on 28-2-2007. The petitioner had availed the remedy of appeal against the order of dismissal.

Therefore, the question of directing the respondents to process the pension papers does not arise. Such, an eventuality would arise, if only, the order of dismissal is set aside.

Hence, the writ petition is dismissed. It is, however, directed that the first respondent shall dispose of the appeal presented by the petitioner, within a period of three months from the date of receipt of a copy this order".

12. Pursuant to the aforementioned directions of Hon'ble High Court of A.P., the Government has decided to hear the appeal petition. Accordingly, Government has issued notices to the concerned parties. The counsel for the appellant and respondents attended the hearing fixed on 29-12-08 at 11.00 A.M.

13. During the course of hearing, the counsel for appellant has stated that the appellant is working in an aided post. According to the A.P. Education Act, 1982, the Regional Joint Director of Collegiate Education, is the appellate authority. Since, Regional Joint Director of Collegiate Education, Guntur has given consent, for initiating the disciplinary action, the present appeal was filed before the Government. Further, as per the rules in force, the Enquiry Officer should have been superior in rank to the appellant which means he should be a superior employee of the College. In this case, the Vice-President of the college committee has enquired in to the case and obviously he is biased against the appellant. It is also stated that the enquiry was based on a criminal complaint. However no incriminating material was found by the Police

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investigation in the house of the appellant. The appellant retired from service on 28-2-2007. Hence, the question of dismissal from service on 21-6-2007 does not arise and the College Committee is biased against the appellant.

14. The counsel for respondent i.e., Secretary of the SKRBR College, Narasaraopet has submitted that the incident took place in the appellant's house. T.V.9 Camera and Photos were damaged by the appellant and his people. The Vice-President of College Committee is competent to enquire into the disciplinary case as per the observations of the Hon'ble High Court vide its order dated 11-8-2004 in W.P.No.10323 of 1996 between SKRBR College Vs. Sri S.V.Krishna Reddy. The charges framed are very severe in nature. The reputation of the College was tarnished and 41 students were debarred. As per the explanation to the memo., submitted by the appellant, he has given a reply from which it is evident that he has perused the Enquiry Report and he has also asked for forgiveness. 10 students have deposed stating that money was asked for by the appellant for supplying copy.

15. The matter has been examined by the Government keeping in view the directions of the Hon'ble High Court and the material papers. After careful examination of the case it is found that the appellant has been charged with very serious allegations of grave and criminal misconduct. Not only that because of his action the reputation of the college has been tarnished and the academic careers of 41 students have been spoiled. The Enquiry Report reveals that the charges have been held proved. The competence of the Enquiry Officer has been upheld by Hon'ble High Court in its order dated 11-8-2004 in W.P.No.10323 of 1996. The procedural lacuna in the enquiry as pointed out in the appeal petition, are not sustainable. As seen from records all due process has been observed by the Enquiry Officer. However the punishment awarded, namely "dismissal from service" is technically wrong since the appellant was already retired from service on superannuation on 28-2-2007.

16. The Government, after careful examination of the matter, provisionally decided that the punishment of "dismissal from service" imposed in the impugned order in Rc.No.1/2006, dt.21.6.2007 be modified to that of "withdrawal of 100% of pensionary benefits i.e., pension and gratuity permanently" in respect of Sri S.V.Krishna Reddy, Ex-Junior Assistant-cum-Examination Clerk, SKRBR College, Narasaraopet, Guntur District.

17. While enclosing a copy of the Enquiry Report, Sri S.V.Krishna Reddy, Ex-Junior Assistant-cum-Examination Clerk, SKRBR College, Narasaraopet, Guntur District, has been directed to show cause, as to why the above proposed punishment should not be imposed on him for the severe charges of grave misconduct proved, within 15 days from the date of receipt of this notice and submit his written explanation, failing which, further action will be taken based on the material record available vide Government Memo. 8th read above.

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18. Sri S.V.Krishna Reddy, vide his explanation dt.26.1.2009 ninth read above, has submitted his explanation to the above show cause notice denying all the allegations made against him, the contention is the same whatever mentioned in his grounds of appeal and hence, the grounds of appeal may be read as part and parcel of this explanation and requested to set-aside the impugned order passed in Rc.No.1/2006, dt.21.6.2007 of the management.

19. The matter has been examined keeping in view the directions of the Hon'ble High Court, explanation submitted by Sri S.V. Krishna Reddy and the material papers available. The Government, after careful examination of the matter, hereby confirm the provisional decision taken to the effect that the punishment of "dismissal from service" imposed in the impugned order in Rc.No.1/2006, dt.21.6.2007 issued by the Secretary & Correspondent, SKRBR College Committee, Narsaraopet, Guntur District be modified to that of **"withdrawal of 100% of pensionary benefits i.e., pension and gratuity permanently"** in respect of Sri S.V.Krishna Reddy, Ex-Junior Assistant-cum-Examination Clerk, SKRBR College, Narasaraopet, Guntur District, as he has not put forth any new valid grounds to defend his case. The appeal petition is disposed of accordingly.

20. The Regional Director of Collegiate Education, Guntur / Commissioner of Collegiate Education, A.P., Hyderabad, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA,
PRINCIPAL SECRETARY TO GOVT.**

To
Sri S.V.Krishna Reddy,
Jr. Asst. (retired)
1st lane, NGOs Colony, Narasaraopet, Guntur.
The Secretary & Correspondent, SKRBR College, Narasaraopet, Guntur.
The Regional Joint Director of Collegiate Education, Guntur.
The Commissioner of Collegiate Education, A.P., Hyderabad
Copy to:
The Government Pleader for Higher Education, .High Court, AP, Hyderabad.
P.S.to Prl. Secy (HE)
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER